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UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

SEP 25 2003

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Mr. Edmond J. Thomas
Chief, Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

RE: Amendment of Parts 2, 25, and 87 of the Commission's Rules to Implement Decisions from World Radiocommunications Conferences Concerning Frequency Bands Between 28 MHz and 36 GHz and to Otherwise Update the Rules in this Frequency Range, ET Docket No. 02-305; Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum For Government and Non-Government Use in the Radionavigation-Satellite Service, RM-10331; Notice of Proposed Rulemaking (released Oct. 7, 2002)

Dear Mr. Thomas:

In late-filed comments received by the Commission, DigitalGlobe, Inc.(DigitalGlobe) and Space Imaging, LLC (Space Imaging) expressed concern about the Commission's proposal to limit the Earth exploration-satellite service (EESS) allocation upgrade from secondary to primary status in the 25.5-27 GHz band to the Federal Government in the above-referenced Notice of Proposed Rulemaking (NPRM).¹ These commenters request that the non-federal EESS allocation also be upgraded to meet the requirements of the commercial remote sensing industry. They claim that such an upgrade would be consistent with the U.S. Commercial Remote Sensing Policy released by the White House on April 25, 2003. DigitalGlobe and Space Imaging also state that future commercial remote sensing satellite systems will require wider bandwidth than is available in the 8025-8400 MHz band currently used by the first generation commercial remote sensing satellite systems. Thus, these commenters have identified the 25.5-27 GHz band for wider bandwidth operations and request that the Commission amend the domestic table of frequency allocations to allocate this band for EESS on a primary basis for both non-Government and Government use.

The National Telecommunications and Information Administration (NTIA), on behalf of affected federal agencies, opposes this request because an adequate public record on this matter has not yet been developed. While NTIA recognizes the need of non-Government EESS for access to this band, it believes that a further notice of proposed rulemaking, completed in a timely manner, would provide an appropriate opportunity for a complete record of the issues to be developed and the needs of the commercial industry to be addressed without adversely affecting important federal requirements. NTIA is willing to work with the Commission and all interested parties to ensure that an allocation of spectrum is implemented nationally in a manner that achieves these objectives.

In January 2000, NTIA sent a letter to the Commission that included a proposal, based on the actions and recommendations at the 1997 World Radiocommunications Conference (WRC-97), for national implementation of the EESS (Earth-to space) in the band 25.5-27 GHz.² At that time, NTIA

¹ See Comments of DigitalGlobe, Inc. in ET Docket No. 02-305 (May 15, 2003); Written Ex Parte Presentation of Space Imaging LLC in ET Docket No. 02-305 (June 24, 2003).

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proposed a primary Government EESS allocation and secondary non-Government EESS allocation. NTIA based its proposal on the stated requirements of the federal agencies. It proposed the secondary non-Government allocation with the intent of stimulating non-Government interest in pursuing new technology in this frequency range. The Commission's current proposal with respect to this band is largely based on NTIA's letter.³ At workshops sponsored by the National Aeronautics and Space Administration (NASA), NTIA and the Commission briefed the private sector on this approach and stated what would be required to obtain a primary non-Government EESS allocation.⁴ However, during the six years from WRC-97 to the end of the reply comment period to the Notice, no concerns were expressed or filings in support of this proposal were made by private sector entities.

NTIA informed the non-Government entities, including those at the NASA-sponsored workshops, that this band was very unique and important to the Government agencies. First, the band 25.25-27.5 GHz is currently limited to only Government services being allocated on a primary basis. Second, the Government will also be implementing EESS satellite systems, e.g., Tracking and Data Relay Satellite System (TDRSS) already has the capability and the Department of Commerce has submitted plans for their National Polar-orbiting Operational Environmental Satellite System (NPOESS). Any non-Government systems will need to coordinate with these federal operations. Additionally, at the 2003 World Radiocommunications Conference (WRC-03) the United States successfully negotiated a space research service (space-to-Earth) allocation in this band on a primary basis based on federal requirements.

The federal agencies have concerns about the proposal to add non-Government EESS to the band 25.5-27 GHz on a primary basis without a proper record reflecting the issues. NTIA recommends that the Commission complete action on the proposals included the current Notice of Proposed Rulemaking in this proceeding and include the issues raised by DigitalGlobe and Space Imaging in a further notice in this proceeding. Such further notice should also include a modification to add the Government space research service (space-to-Earth) in the band 25.5-27 GHz to the national table of frequency allocations (see enclosure).

NTIA and the federal agencies look forward to working with the Commission and the commercial remote sensing industry to ensure that this proposed allocation proceeds in an orderly and expeditious manner. If you have any questions, please feel free to contact me or Edward M. Davison in the Office of Spectrum Management (202-482-5526; edavison@ntia.doc.gov).

Sincerely,



Fredrick R. Wentland
Associate Administrator
Office of Spectrum Management

Enclosure

² See Letter from Associate Administrator, Office of Spectrum Management, NTIA, to Chief, Office of Engineering and Technology (OET), FCC, (January 6, 2000).

³ See NPRM at ¶ 92.

⁴ NASA Ka-Band Workshop at Goddard Space Flight Center, MD (March 18-19, 1998); NASA Wideband Downlink Briefing at Maritime Institute of Technology & Graduate Studies, Linthicum Heights, MD (July 16, 2002); NASA International EESS Wideband Downlink Workshop, Orlando, FL (March 25-27, 2003).

ENCLOSURE

The table below is how NTIA would propose the "Federal Government" column appear of the national table after the necessary modifications.

United States Table
Federal Government
25.5-27
EARTH EXPLORATION- SATELLITE (space-to- Earth)
FIXED
INTER-SATELLITE 5.536
MOBILE
SPACE RESEARCH (space-to-Earth)
Standard frequency and time signal-satellite (Earth-to-space)
5.536A US258